

App. No. 09/892,676
Amendment Dated: July 6, 2005
Reply to Office Action of June 10, 2005

REMARKS/ARGUMENTS

Claims 1-24 remain in this application for further review. Claims 1, 12, 19 and 24 are amended as set forth above for clarification. No new matter has been added and applicants believe that a new search is not required for consideration of this response. Applicants respectfully request entry and reconsideration of the application.

I. No New Matter Has Been Added

The specification of the present invention includes language that supports the above amendments to the claims. *See generally, Specification*, at pages 11-18.

II. Rejection of Claims 1-24

Claim 24 is rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,787,262 issued to Shakib et al. (hereinafter "Shakib"). Claims 1-2, 5-7, 12-13, 15, 19-20 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shakib in view of U.S. Patent No. 5,961,590 issued to Mendez et al. (hereinafter "Mendez"). Claims 3, 11, 14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shakib and Mendez in view of U.S. Patent No. 6,295,541 issued to Bodnar et al. (hereinafter "Bodnar"). Claims 4 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shakib, Mendez, Bodnar and further in view of U.S. Patent No. 6,546,417 issued to Baker (hereinafter "Baker"). Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shakib and Mendez in view of Baker. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shakib, Mendez and further in view of U.S. Patent No. 5,247,438 issued to Subas et al. (hereinafter "Subas"). Claim 10 is

App. No. 09/892,676
Amendment Dated: July 6, 2005
Reply to Office Action of June 10, 2005

rejected under 35 U.S.C. 103(a) as being unpatentable over Shakib, Mendez, and Subas. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shakib and Mendez in view of U.S. Patent No. 5,758,354 issued to Huang et al. (hereinafter "Huang"). Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shakib, Mendez, Huang and Bodnar. Applicants respectfully disagree with the above rejections.

Even though applicants believe that the claims are allowable as written, claims 1, 12, 19 and 24 have been amended as set forth above to further clarify the invention. Applicants assert that there is no motivation to combine the references as propounded. Moreover, even if for argument purposes such a combination were possible, the combination would still fail to teach all the elements of applicants' claims. Applicants' claim 1 specifically recites the following combination of elements that were added by the above amendment that are not taught or suggested by the prior art:

"when the conflict detected *does not comprise a difference* between the at least one mergeable property of the first data file and the at least one corresponding mergeable property of the second data file, *indicating* that the at least one mergeable property of the first data file and that at least one corresponding mergeable property of the second data file *are not dirty, wherein synchronization is not performed*"

"when the conflict detected *comprises a difference* between the at least one mergeable property of the first data file and the at least one corresponding mergeable property of the second data file, *merging* the at least one mergeable property of the first data file and the at least one corresponding mergeable property of the second data file *to form a single identical data file in each of the first and second stores*"

Applicants' claim 12 specifically recites the following combination of elements that were added by the above amendment that are not taught or suggested by the prior art:

"during the synchronization event, comparing the first data file to the second data file to determine *whether one of the first data file and second data file is dirty*"

App. No. 09/892,676
Amendment Dated: July 6, 2005
Reply to Office Action of June 10, 2005

"when the first data file and the second data file are *not dirty*, dismissing the synchronization event"

"when the first data file and the second data file *are dirty*, performing a *conflict resolution*, wherein the conflict resolution includes:"

"indicating that the first data file and the second data file are not dirty when the first data file and the second data file are not different"

"automatically merging a mergeable property of the first data file with a corresponding mergeable property of the second data file, when the first data file and the second data file are different"

Applicants' claim 19 specifically recites the following combination of elements that were added by the above amendment that are not taught or suggested by the prior art:

"a server configured to:"

"determining whether at least one of the plurality of data files *is dirty*"

"determining whether at least one of the plurality of corresponding data files *is dirty*"

"when the at least one of the plurality of data files and the at least one of the plurality of corresponding data files are *not dirty*, *not performing the synchronization session*"

"when the at least one of the plurality of data files and the at least one of the corresponding data files *are dirty*, performing a *conflict resolution*, wherein the conflict resolution includes:"

"removing a dirty indication when the at least one of the plurality of data files and the at least one of the plurality of corresponding data files are not different"

"merging the at least one of the plurality of data files and the at least one of the plurality of corresponding data files when the at least one of the plurality of data files and the at least one of the plurality of corresponding data files are different and designated as mergeable properties"

App. No. 09/892,676

Amendment Dated: July 6, 2005

Reply to Office Action of June 10, 2005

Applicants' claim 24 specifically recites the following combination of elements that were added by the above amendment that are not taught or suggested by the prior art:

"determining whether at least one corresponding property of a first data file is dirty"

"determining whether at least one corresponding property of a second data file is dirty"

"when the at least one corresponding property of the first data file and the at least one corresponding property of the second data file are not dirty, not synchronizing the at least one corresponding property of the first data file and the at least one corresponding file of the second data file"

"when the at least one corresponding property of the first data file is dirty and the at least one corresponding property of the second data file is not dirty, synchronizing the at least one corresponding property of the first data file and the at least one corresponding file of the second data file to include identical information"

"when the at least one corresponding property of the first data file and the at least one corresponding property of the second data file are dirty, performing a conflict resolution, wherein the conflict resolution includes:"

"deleting the at least one corresponding property of the first data file, when the at least one corresponding property of the second data file is deleted"

"indicating that the at least one corresponding property of the first data file and the at least one corresponding property of the second data file are not dirty when the at least one corresponding property of the first data file and the at least one corresponding property of the second data file are not different"

"merging the at least one corresponding property of the first data file and the at least one corresponding property of the second data file when the at least one corresponding property of the first data file and the at least one corresponding property of the second data file are different and designated as mergeable properties"

None of the cited references teach the combination of elements set forth in independent claims 1, 12, 19 and 24. Claims 2-11, 13-19 and 20-23 ultimately depend from claims 1, 12, 19

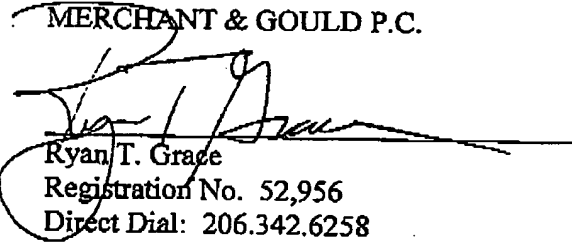
App. No. 09/892,676
Amendment Dated: July 6, 2005
Reply to Office Action of June 10, 2005

and 24, respectively. Therefore claims 2-11, 13-19 and 20-23 are thought to be allowable for at least those same reasons.

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicants at the telephone number provided below.

Respectfully submitted,

MERCHANT & GOULD P.C.


Ryan T. Grace
Registration No. 52,956
Direct Dial: 206.342.6258

MERCHANT & GOULD P.C.
P. O. Box 2903
Minneapolis, Minnesota 55402-0903
206.342.6200

